

ENTERED

July 23, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES VAN WINKLE,

§

Plaintiff,

§

v.

§

CIVIL ACTION H-17-1875

HOUCON PARTNERS, L.P.,

§

Defendant.

§

MEMORANDUM OPINION AND ORDER

Pending before the court is a memorandum and recommendation (“M&R”) entered by Magistrate Judge Nancy Johnson. Dkt. 23. Plaintiff James Van Winkle sued defendant Houcon Partners, L.P. for alleged violations of Title III of the Americans with Disabilities Act and the Americans with Disabilities Act Accessibility Guidelines. Dkt. 1. Houcon moved to dismiss for lack of subject matter jurisdiction and for failure to state a claim. Dkt. 12. Van Winkle responded. Dkt. 16. Houcon replied. Dkt. 20. The M&R recommends denying Houcon’s motion. Dkt. 23. The M&R advised that objections to the M&R must be made by July 17, 2018. *Id.* Neither party objected. The court, having reviewed the M&R, the motion, response, reply, and applicable law, and having received no objections, finds no clear error. *See* Fed. R. Civ. P. 72(b), advisory committee’s note to 1983 amendment (“[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”). Thus, the court ADOPTS the M&R (Dkt. 23) in full. For the reasons stated in the M&R, Houcon’s motion to dismiss (Dkt. 12) is DENIED.

Signed at Houston, Texas on July 23, 2018.



Gray H. Miller
United States District Judge